

ENTERED

May 10, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,	§
<i>Plaintiff,</i>	§
	§
v.	§ CIVIL ACTION NO. 7:20-cv-00330
	§
2.215 ACRES OF LAND, MORE OR LESS,	§
SITUATE IN STARR COUNTY, STATE OF	§
TEXAS, AMERICO ELOY GARCIA, <i>et al.</i> ,	§
<i>Defendants.</i>	§

FINAL JUDGMENT

Before the Court is the Stipulation for Revestment and Motion for Final Judgment¹ entered by Plaintiff, the United States of America (“United States”), and Defendants, Americo Eloy Garcia and Mary Jane Ornelas-Garcia (collectively, hereinafter “the Parties”), in the above-styled condemnation action.

The unresolved tract in this case is a 2.215 acre tract of land, identified as RGV-RGC-6011, (hereinafter, “Subject Property”), as more particularly described in the Complaint and Declaration of Taking, and more specifically described in Schedules “C”, “D”, and “E” of said Declaration of Taking.²

Pursuant to 40 U.S.C. § 3117, the United States may agree or stipulate to the revestment of condemned property to resolve condemnation cases.

On May 6, 2022, the Parties filed their Stipulation of Revestment, whereby the United States and Defendants jointly stipulated and agreed that all right, title, and interest acquired by the United States associated with or appurtenant to the Subject Property has been **REVESTED** in Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia as it existed immediately

before

¹ Dkt. 28.

² Dkt. 2-1 at 6-7, 9-12, 14-15.

the time of the filing of the Declaration of Taking and title vesting in the United States. Defendants Americo Eloy Garcia further and Mary Jane Ornelas-Garcia accepted such **REVESTMENT** of the Subject Property.

Accordingly, pursuant to the Stipulation entered by the United States and Defendants, it is hereby **ORDERED** and **ADJUDGED** that the Subject Property—to wit: Tract RGV-RGC-6011—has been **REVESTED** back to Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia.

It is further **ORDERED** and **ADJUDGED** that:

- A. The full and just compensation payable by the United States to Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia for the time that it held title as to the Subject Property shall be the sum of eight hundred and 00/100 dollars (\$800.00). This sum is in full satisfaction of any claims of whatsoever nature by Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia against the United States for the institution and prosecution of the above-captioned action. Defendants further agree to waive any and all claims for additional compensation of any nature against the United States arising from the United States' acquisition of Subject Property.
- B. Judgment shall be and is hereby entered against the United States in the amount of eight hundred and 00/100 dollars (\$800.00), along with any accrued interest, for the time that United States held title as to the Subject Property.
- C. The United States' estimate of just compensation remains on deposit in the Court's Registry and the Court now **ORDERS** the Clerk of Court to **DISBURSE** the following sums, along with any accrued interest earned thereon while on deposit, payable as follows:
 - The sum of \$800.00, with any accrued interest earned thereon while on deposit, payable to "Jones, Galligan, Key & Lozano, L.L.P.," counsel for Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia.
 - The remaining sum of \$64,595.00, with accrued interest, payable to "F&A Officer, USAED, Fort Worth," with the check referencing "Tract No. RGV-RGC-6011."
- D. Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia warrant that (a) they are the owners of the interest in the property taken in this proceeding on the respective dates of taking, (b) that they have the exclusive right to the compensation set forth herein, excepting the interests of party having liens, encumbrances of record, and unpaid taxes and assessments, if any, and (c) no other party is entitled to the same or any part thereof by reason of any unrecorded agreement.

- E. In the event that any other party is ultimately determined by a court of competent jurisdiction to have any right to receive compensation for the interests in the properties taken in this proceeding, Defendants Americo Eloy Garcia shall refund into the Registry of the Court the compensation distributed herein, or such part thereof as the Court may direct, with interest thereon at an annual rate provided in 40 U.S.C. § 3116 from the date of receipt of the respective deposit by Defendants Americo Eloy Garcia and Mary Jane Ornelas-Garcia, to the date of repayment into the Registry of the Court.
- F. The Parties shall be responsible for their own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, and any other expenses or costs.
- G. The Parties shall take no appeal from any rulings or judgment made by the Court in this action, and the Parties consent to the entry of all motions, orders, and judgments necessary to make this stipulated judgment.
- H. This order is binding on the heirs, trustees, executors, administrators, devisees, successors, assigns, agents, and representatives of Defendants.

The United States is further **ORDERED** to record this Final Judgment and the Stipulation of Revestment with the Official Records of Starr County, Texas so as to provide notice with county deed records.

This case is terminated, and the Clerk of the Court is instructed to close the case.

SO ORDERED May 10, 2022, at McAllen, Texas.



Randy Crane
United States District Judge



AGREED AS TO FORM AND SUBSTANCE

FOR DEFENDANTS:

s/ Gregory P. Kerr w/ permission

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